

Applicants: Turney et al.
Serial No. 10/034,132
Page 4

REMARKS

In accordance with the forgoing, claims 6-11 has been canceled and claims 3 and 4 have been amended to correct minor typographical errors; thus, claims 1-5 are currently pending substantive examination. The following remarks are respectfully submitted. Applicants request entry and favorable consideration of the amendments and remarks presented herein.

Applicants submits a declaration antedating the sole reference applied to reject claims 1-5 to thus place pending claims 1-5 in condition for allowance, and suggests that nothing herein raises additional issues or requires search of additional or other prior art.

Applicant respectfully requests entry and favorable consideration of the amendments and remarks presented herewith.

Claim Rejection Under 35 U.S.C. § 102

In the Office Action, the Examiner rejected claims 1-5 under 35 U.S.C. § 102(b) as being anticipated by U.S. Pat. No. 6,748,276 to Daignault et al. (Daignault).

Applicants respectfully traverse the rejections as enumerated hereinbelow for pending claims 1-5 as based on the **DRAFT** declaration submitted herewith the sole applied reference, U.S. Pat. No. 6,748,276 to Daignault et al. (Daignault) stands antedated.

In support of the **DRAFT** declaration filed pursuant to 37 CFR 1.131 on behalf of the Applicants to nullify the applied prior art vis-à-vis the pending claims attached hereto for entry are photocopies of seven (7) pages from the invention disclosure form which was prepared and filed by the undersigned, a properly named inventor of the subject matter claimed in the instant application. Applicants request that upon receipt of the fully-executed declaration that the Examiner file the declaration and attached photocopies of the original records to the declaration for entry in the file.

Applicants: Turney et al.
Serial No. 10/034,132
Page 5

With the permission of the Examiner, Applicants intend to complete and submit the fully-executed declaration within the next several days. Applicants respectfully assert that upon entry of the fully-executed declaration and the appended photocopied records that the prior art applied herein stands traversed and the pending claims should proceed to timely issuance as U.S. Letters Patent.

CONCLUSION

There being no further outstanding objections or rejections, it is submitted that claims 1-5 of the application are in condition for allowance. An early action to that effect is courteously solicited. No amendment made was related to the statutory requirements of patentability unless expressly stated herein; and no amendment made was for the purpose of narrowing the scope of any claim, unless Applicant has argued herein that such amendment was made to distinguish over a particular reference or combination of references.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned attorney to attend to these matters.

Respectfully submitted,

Date:

16 May 05



Paul H. McDowall
Reg. 34,873
Telephone: (763) 514-3351
Customer No. 27581